



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

November 2, 1983

Mr. James R. Gillespie
P. O. Box 1368
Boise, Idaho 83701

RE: U. S. Ferto Corporation
Clawson 1-2-3
DOE/039/005
San Pete County, Utah

Dear Mr. Gillespie:

This is in response to your letter of October 12, 1983. Regarding your request to be notified of any hearings or conferences, the Division is cognizant of your concerns but does not consider routine field inspections of mining operations to fall into that category. Due to our existing workload, we schedule on-site visits on extremely short notice and it is not always possible, nor is it customary, to arrange our field work in concert with the availability of concerned individuals. Public input regarding the filing of a mining and reclamation plan is solicited during the required 30-day comment period following notice of the Division's decision to issue tentative approval. Since this operation does not qualify as a mining operation as defined by Section 40-8-4(6) of the Utah Mined Land Reclamation Act, no filing of a mining and reclamation plan is required and the Division has no jurisdiction in the matter.

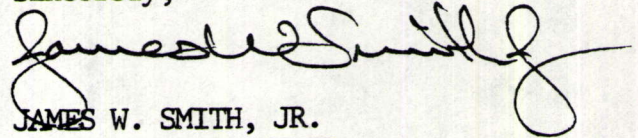
For your clarification, an exemption from requirements of the statute is allowed if either of the two criteria are met (i.e., less than two acres or less than 500 tons per 12 consecutive months).

As discussed in the enclosed inspection memo, mining activity is sporadic, depending upon the available market, with work generally occurring during the summer months. Given the length of time this operation has been in existence and the limited amount of acreage disturbed to date, the activity definitely does not qualify as a mining operation. It is also doubtful that more than 500 tons of material is mined per year, considering the size of the operation.

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As previously mentioned, the operation is being conducted entirely within the boundaries of the Manti-LaSal National Forest and is wholly under its regulatory framework. Should U. S. Ferto expand its present operation beyond the State's limitation, Mr. Turrel is aware of all Division requirements pertaining to permitting. I hope this adequately satisfies your concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "James W. Smith, Jr.", with a long horizontal flourish extending to the right.

JAMES W. SMITH, JR.
COORDINATOR OF MINED
LAND DEVELOPMENT

JWS/btb

Enclosure

cc: D. Darby, DOGM